



February 20, 2009

HOUSE BILL No. 1618

DIGEST OF HB 1618 (Updated February 18, 2009 6:34 pm - DI 75)

Citations Affected: IC 3-6; IC 4-6.

Synopsis: Secretary of state political activity. Prohibits an individual who holds the office of secretary of state from: (1) serving in an official or unofficial capacity: (A) in the campaign of a candidate for an elected office; or (B) for a person who makes disbursements for the direct costs of producing or airing a communication that expressly advocates the election or defeat of a clearly identifiable candidate; (2) endorsing a candidate for an elected office; (3) conducting fundraising activities for a candidate for an elected office; or (4) soliciting contributions for or contributing to the campaign of a candidate for an elected office. Exempts from the prohibition a campaign in which the individual who holds the office of secretary of state is the candidate. Provides that the prohibition does not restrict the secretary of state from appearing or attending at or participating in a convention or other function sponsored by a national, state, or local political party. Authorizes the attorney general to enforce the prohibition, and establishes a civil penalty equal to the greater of: (1) two times the amount of any contribution made or received; or (2) \$5,000.

Effective: July 1, 2009.

Pierce

January 16, 2009, read first time and referred to Committee on Elections and Apportionment.
February 19, 2009, amended, reported — Do Pass.

HB 1618—LS 7583/DI 75+



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February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1618

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 3-6-3.7-4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. (a) This section does not apply to the following:**

(1) A campaign in which an individual who holds the office of secretary of state is the candidate.

(2) The secretary of state's appearance or attendance at or participation in a convention or other function sponsored by a national, state, or local political party.

(b) An individual who holds the office of secretary of state may not do any of the following:

(1) Serve in an official or unofficial capacity:

(A) in the campaign of a candidate for elected office; or

(B) for a person who makes disbursements for the direct costs of producing or airing a communication that expressly advocates the election or defeat of a clearly identifiable candidate.

(2) Endorse a candidate for elected office.

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(3) Conduct fundraising activities for a candidate for elected office.

(4) Solicit contributions for, or contribute to the campaign of, a candidate for elected office.

(c) An individual who violates subsection (b) is subject to a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented:

(1) Two (2) times the amount of any contribution made or received under subsection (b)(3) or (b)(4).

(2) Five thousand dollars (\$5,000).

(d) A civil penalty collected under this section must be deposited with the treasurer of state in the campaign finance enforcement account established by IC 3-6-4.1-24.

(e) The attorney general may enforce this section under IC 4-6-2-1.7.

SECTION 2. IC 3-6-4.1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) The campaign finance enforcement account is established within the state general fund to provide money for the following purposes:

(1) Administering and enforcing IC 3-9.

(2) Creating and operating a campaign finance computer system as authorized under IC 3-9-4-4, including investing in technology to expand the capabilities of the computer system.

(b) The account shall be administered by the election division. Funds in the account are available, with the approval of the budget agency, to augment and supplement the funds appropriated to the election commission for the purposes described in subsection (a).

(c) Expenses of administering the account shall be paid from money in the account. The account consists of all civil penalties collected by the attorney general under IC 3-6-3.7-4 or the commission under IC 3-9-4.

(d) Money in the account at the end of a state fiscal year does not revert to any other account within the state general fund.

SECTION 3. IC 4-6-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.7. For violations of IC 3-6-3.7-4, the attorney general may take all actions necessary do any of the following:

(1) Receive complaints concerning alleged violations of IC 3-6-3.7-4.

(2) Instigate, supervise, and coordinate investigations concerning alleged violations of IC 3-6-3.7-4.

(3) If the attorney general has reasonable cause to believe that

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1 a violation of IC 3-6-3.7-4 has occurred, file a civil action to
2 recover the civil penalty specified in IC 3-6-3.7-4(c) in any
3 court with jurisdiction.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1618, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "to a" and insert "**to the following:**

(1) A".

Page 1, between lines 5 and 6, begin a new line block indented and insert:

"(2) The secretary of state's appearance or attendance at or participation in a convention or other function sponsored by a national, state, or local political party."

and when so amended that said bill do pass.

(Reference is to HB 1618 as introduced.)

BATTLES, Chair

Committee Vote: yeas 7, nays 2.

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